

Legislative Analysis



MODIFY PROPOSAL 2022-2 IMPLEMENTATION FOR EARLY VOTING

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<http://www.house.mi.gov/hfa>

House Bill 4695 as enrolled
Sponsor: Rep. Penelope Tsernoglou
House Committee: Elections
Senate Committee: Elections and Ethics
Complete to 11-30-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 259 of 2023)

SUMMARY:

House Bill 4695 would amend the Michigan Election Law to modify several provisions relating to early voting, which was added to the Michigan constitution with the passage of Proposal 2 of 2022 (see **Background**, below) and incorporated into the Michigan Election Law by 2023 PA 81.¹ Under current law, early voting for statewide and federal elections does not begin until 2024, although some municipalities offered early voting for local elections in November 2023.

Election inspectors

Under the bill, election inspectors would be appointed by city and township election boards for each early voting site under the same requirements as election inspectors for election day precincts.²

After the first day of early voting, election inspectors would be required to lock the room in which the early voting site was located, rather than the entire building. They would not have to secure unprocessed absentee ballots in a locked room but would still be required to seal the ballots in a ballot container.³

Additionally, after the polls close on election day, election inspectors would be required to use the write-in report produced by the tabulator or the write-in votes indicated on the ballots to tally write-in votes from early voting sites.

Tabulators

The secretary of state now can only approve a configuration of tabulators and poll books to be used at an early voting site if, for each tabulator, the configuration produces an accurate poll list of voters who cast ballots and balances the number of voters casting a ballot at the early voting site with the number of ballots cast. Under House Bill 4695, a configuration could be approved if it produces an accurate poll list and balances the number of voters casting a ballot with the number of ballots cast at the early voting site as a whole, rather than for each tabulator.

MCL 168.674 and 168.720j

¹ For a summary of 2023 PA 81, which includes a description of early voting implementation, see: <http://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-0367-4BED7BA9.pdf>. The act is set to take effect in early 2024.

² At least three election inspectors are appointed by a city or township election board for each precinct, with as equal of representation of the two major political parties as possible and at least one inspector representing each major party. For more information, see: <https://www.michigan.gov/sos/elections/pollworker#FAQs>.

³ Current law provides that at the close of each subsequent day of early voting, the ballots can be placed or sealed in a new container or added to a container used for the previous day of early voting.

BACKGROUND:

Ballot Proposal 22-2 amended the state constitution to grant Michigan voters the right to participate in early voting for statewide and federal elections. Early voters have the same rights and are subject to the same requirements as voters at polling places on election day. Each early voting site must be open for nine consecutive days prior to an election, beginning on the second Saturday before an election and ending on the Sunday before the election. Sites must be open for at least eight hours for each of these nine days and can be open for additional days and hours. Results cannot be generated or reported from a voting site until after 8:00 p.m. on election day.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.